C. Remarks

Claims 1-18 are pending, with claims 1, 11, 15, and 17 being independent. Claims 1-10, 15, and 16 are allowed. Claims 17-18 have been amended to better define the scope of the invention. Reconsideration of pending claims 11-14, 17, and 18 is respectfully requested.

Claims 11, 12, and 17 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Wright et al. (J. Med. Chem. 2001, 44:3187) ("Wright"). Applicants respectfully traverse this rejection.

First, Applicants respectfully disagree with the Examiner's statement that structure 17 in column 2 on page 3188 of Wright discloses 2-{[N-(3,4-dichlorophenyl)-glycyl]amino}benzoic acid. With regard to structure 17, Wright does not provide an option for more than one R-substituent on the phenyl group to be a halogen. According to the teachings of Wright, one of Ra, Rb, or Rc may be a halogen, but never more than one in the same compound. Therefore, Wright cannot teach a [(dichlorophenyl)glycyl]amino benzoic acid.

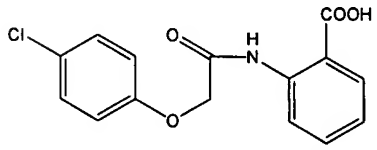
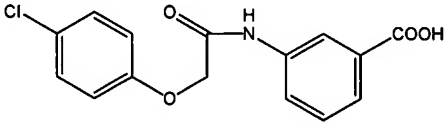
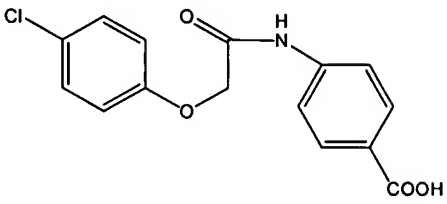
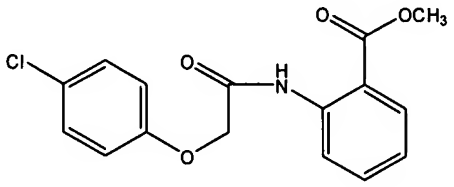
Second, Wright does not teach the compounds of structure 17 in the form of a pharmaceutical composition; that is, a composition containing a compound and a pharmaceutically acceptable carrier. Applicants respectfully disagree with the Examiner's assertion that because structure 17 of Wright is "recovered from the aqueous phase" it was, before the recovery, "in water, which is a pharmaceutically acceptable carrier." *See* Office Action at p.3. An aqueous phase solution does not necessarily contain only water. As paragraph 3 (titled step 2) on page 3192 of Wright shows, several other reagents were used

in the process leading up to the recovery of structure 17, some or all of which may be present in the aqueous phase, and some or all of which may not be suitable to be present in a pharmaceutically acceptable carrier. Therefore, Wright's showing that structure 17 was recovered from an aqueous phase solution does not teach or suggest structure 17 with a pharmaceutically acceptable carrier as a pharmaceutical composition. Accordingly, Applicants respectfully submit that the claimed invention is not anticipated by Wright and request that this rejection be withdrawn.

Claims 11-14, 17, and 18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Bierer et al. (U.S. 5,741,926) ("Bierer"). Applicants respectfully traverse this rejection.

As noted by the Examiner (*see* Office Action at p.4), Bierer does not teach the compounds recited in claims 12-13 and 18 of the present application. Further, Formula III of Bierer, which the Examiner maintains encompasses the compounds of claims 11-14, 17 and 18, is a broad genus claim that provides for numerous possible substituents at positions 2, 3, 4, 5, and 6 of the phenyl ring (R_1-R_5, respectively). *See* Bierer at col. 11, l. 4-25. The teachings of Bierer do not take into account the important notable features of the claimed invention – (1) having the W/Y substituent shown in claims 11 and 17 at the ortho position (position 2) of the phenyl ring, and (2) limiting the possible substituents at this position to COOH or 5-tetrazolyl. As shown by the data presented in the table below, both the choice of substituent, as well as its placement in the ortho position, unexpectedly affects activity against HCV polymerase. Specifically, placing a COOH group at the ortho position provides unexpectedly superior activity as compared to both the meta and para positions. Upon looking at Bierer's Formula III, one skilled in the art would not

immediately envisage selecting the limited substituents allowed by claims 11 and 17 and placing them at the ortho position on the phenyl ring to form the claimed compounds. Nor does Bierer teach or suggest doing so. Accordingly, Applicants respectfully submit that the claimed invention is patentable over Bierer and request that the 35 U.S.C. §103(a) rejection be withdrawn.

Compound	IC_{50} for HCV Polymerase
	1.6 μM
	> 33 μM
	> 29 μM
	> 31 μM

In view of the foregoing remarks, Applicants respectfully submit that all rejections set forth by the Examiner have now been overcome. Accordingly, Applicants respectfully request allowance of the pending claims and prompt passage of the application to issue. Should the Examiner believe that issues remain outstanding, the Examiner is

respectfully requested to contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

Raymond R. Mandra
Attorney for Applicants
Registration No.: 34,382

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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